UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/C.12/2001/SR.59
15 November 2001

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-seventh session

SUMMARY RECORD OF THE 59th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 12 November 2001, at 10 a.m.

Chairperson: Ms. BONOAN-DANDAN

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The meeting was called to order at 10.15 a.m.

OPENING OF THE SESSION

1. The CHAIRPERSON declared open the twenty-seventh session of the Committee on Economic, Social and Cultural Rights and invited the Deputy High Commissioner for Human Rights to address the Committee.

2. Mr. RAMCHARAN (Deputy High Commissioner for Human Rights) welcomed the members of the Committee to Geneva on behalf of Mrs. Mary Robinson, the United Nations High Commissioner for Human Rights. The Committee was in a unique position among the treaty bodies, as an expert organ that had a direct relationship with the Economic and Social Council. A core concept of the International Covenant on Economic, Social and Cultural Rights was international cooperation, and it was the Committee's responsibility to watch over the human rights dimension of international cooperation for development.

3. In a recent address to the General Assembly, the Secretary-General of the United Nations had emphasized that the United Nations must stand for the rule of law in international and domestic affairs, and must place people at the centre of everything it did. Multinational procedures and institutions must be cherished and used to full effect. The Secretary-General had named four burning issues: the eradication of extreme poverty, the struggle against HIV/AIDS, the prevention of deadly conflicts and tackling the root causes of political violence. The common thread connecting all those issues was the need to respect fundamental human rights, and the Secretary-General had expressed his determination to integrate human rights even more fully into every aspect of the Organization's work. The Committee would thus be interested to know that the High Commissioner was designating regional advisers to the regional Economic and Social Commissions: such advisers had already been assigned to the Economic Commission for Latin America and the Caribbean and to the Economic and Social Commission for Asia and the Pacific.

4. In conclusion, he invited the Committee, which had done important work in setting out the human rights dimensions of governance, to reflect on its role in the mobilization of conscience to ensure decent life chances and justice for the poor people of the world.

5. Mr. SADI inquired what impact, in the view of the Deputy High Commissioner for Human Rights, the terrorist acts of 11 September would have on human rights in general, and also on the work of the Committee.

6. Mr. RAMCHARAN (Deputy High Commissioner for Human Rights) said he had chosen not to broach that issue because the High Commissioner for Human Rights herself intended to address the Committee in that regard. Responding to those events, she had spoken out against terrorist acts, characterizing them as crimes against humanity, and had called attention to international legal norms, in particular to article 4 of the International Covenant on Civil and Political Rights and to the principle of proportionality. Her notion of the world of law and the world of rights was at the heart of the Committee's work, and should serve to promote greater tolerance, respect and justice.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (E/C.12/2001/13)

7. The agenda was adopted.

ORGANIZATION OF WORK (agenda item 2)

Draft Programme of Work (E/C.12/2001/L.3)

8. The CHAIRPERSON drew attention to document E/C.12/2001/L.3, which contained the draft programme of work for the twenty-seventh session. She informed the Committee that in early October 2001 a note verbale had been received from the Permanent Mission of Jamaica, requesting a postponement of consideration of its second periodic report. Since the request did not comply with the time limits established for such a postponement, the Committee would, in accordance with rule 62 of its rules of procedure consider the report as originally scheduled, but in the absence of a representative of the Government.

9. Mr. RIEDEL inquired whether the Permanent Mission of Jamaica had been informed that the Committee intended to proceed with the consideration of the report in its absence.

10. The CHAIRPERSON said that the Jamaican authorities had been promptly and clearly informed of the rules that applied in such cases.

11. Mr. TIKHONOV (Secretary of the Committee) said that a note verbale had been received that morning from the Permanent Mission of Algeria concerning the hearing of non-governmental organizations (NGOs) scheduled for the 58th meeting. It asserted that some of those NGOs did not have consultative status with the Economic and Social Council, that their activities seemed to be motivated by political considerations, and that their legitimacy had not been established by publicly registered statutes and mandates. It therefore requested the Chairperson of the Committee to ensure that Economic and Social Council procedures were fully and duly respected, and that only NGOs with consultative status were permitted to participate in the scheduled hearing.

12. Mr. TEXIER said that, in accordance with the Council's formal procedures, the Government of Algeria was correct in its assertions. However, the Committee had traditionally heard all NGOs, regardless of their status. The only requirements had been for their statements to be credible and not offensive to the State party concerned. As it would be difficult to change the Committee's methods of work, he suggested that unaccredited NGOs should henceforth be sponsored by NGOs with the appropriate consultative status. It would be a pity not to hear the views of a substantial ethnic minority with a presence not only in Algeria but in neighbouring countries as well.

13. Mr. RIEDEL said that the growing role of NGOs in the work of the human rights treaty bodies should be both encouraged and handled judiciously. The information gleaned from NGOs helped the Committee to assess the reports of States parties. Mr. Texier's remarks

accurately reflected the practice of the Committee and the procedures of the Economic and Social Council. The Committee must, however, handle information received from NGOs carefully, and use caution in deciding whether or not to take up the issues they raised.

14. Mr. KOUZNETSOV said the Committee's reply to the Permanent Mission of Algeria should draw attention to rule 69 of the Committee's rules of procedure, paragraph 3 of which, in particular, set out guidelines for the receiving of oral information provided by NGOs. The Committee should, in general, respect NGOs' requests to submit oral information, in keeping with the rules, and it was up to the Committee itself to decide whether or not the information was appropriate. In the current instance, he saw no grounds for refusing the request.

15. Mr. CEAUSU endorsed the previous speaker's remarks. The Committee had indeed received information from NGOs on issues relevant to its agenda. It was of course important to apply the rules strictly, and perhaps more could be done to ensure that NGO representatives addressed relevant issues only. In that regard, States parties had the opportunity, during the oral presentation of their periodic reports, to comment on NGO submissions; perhaps they could be provided with further opportunities to make such comments if they felt that a more immediate reaction to an NGO statement was appropriate.

16. Mr. GRISSA disagreed. Although the Committee could take NGO information into account in its concluding observations, the Committee was not a forum for debate between representatives of States parties and NGOs.

17. The CHAIRPERSON said that, since the position had already been explained to the Algerian authorities, she felt that the Committee did not need to reply further to the note verbale. She noted that the Committee's rules of procedure relating to submissions by NGOs had been further elaborated in two additional documents (E/C.12/1993/WP.14 and E/C.12/2000/6).

18. If there were no further comments, she would take it that the Committee wished to adopt the draft programme of work.

19. It was so decided.

20. The CHAIRPERSON said that the inter-committee meeting to be held in June 2002 would be held in close conjunction with the annual meeting of persons chairing human rights treaty bodies, at which the focus would be on methods of work. In addition to the chairpersons, two members of each body were to attend; accordingly, during the current session the Committee would select two members for that purpose.

RELATIONS WITH UNITED NATIONS ORGANS AND OTHER TREATY BODIES (agenda item 5)

21. The CHAIRPERSON read out the text of a letter addressed to her by the Assistant Director-General for Education of the United Nations Educational, Scientific and Cultural Organization (UNESCO), dated 8 November 2001, to the effect that the recommendations of the Committee on Conventions and Recommendations for the creation

of a Joint UNESCO/Committee on Economic, Social and Cultural Rights Expert Group on the Right to Education had been approved by the Executive Board at its one hundred and sixty-second session; attached were a copy of the text of the decision and a summary of the relevant debate. The letter pointed out that the decision was essentially in line with a proposal she herself had made during a meeting of the Committee on Conventions and Recommendations held on 23 May 2001. The Assistant Director-General for Education wrote that he felt sure the Committee would welcome the decision, and that the UNESCO Executive Board was looking forward to the Economic and Social Council's approval for the creation of such a group.

22. Copies of the letter and attachments would be circulated to Committee members as soon as possible.

23. Mr. MALEMPARE (United Nations Educational, Scientific and Cultural Organization - UNESCO), speaking at the Chairperson's invitation, said that the Director-General of UNESCO was grateful to the United Nations High Commissioner for Human Rights for allowing UNESCO to be associated with the work of the Committee's current session; he himself was grateful for the opportunity to inform its members of UNESCO activity, since the Committee's previous session, relating to the right to education and to cultural rights.

24. At its thirty-first session, the General Conference had adopted a new Medium-term Strategy in that regard, covering the next six years, with a particular focus on the right to education, enshrined in article 26 of the Universal Declaration of Human Rights, articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights, articles 28 to 30 of the Convention on the Rights of the Child and many other instruments. It had noted, inter alia, that denial of the right to education was a violation of human rights and that UNESCO would strive even more resolutely to strengthen that right, in collaboration with the Committee on Economic, Social and Cultural Rights and other competent bodies. Pursuant to paragraph 59 of the Strategy, UNESCO would also strive to establish dialogue with member States and new providers of educational services with a view to focusing on education as a public asset. In that connection, UNESCO had recently published a work analysing that organization's many standard-setting instruments relating to the right to education, the large number of which testified to the importance attached by its member States to such standard-setting. Much remained to be done, however, as had been recognized by the international community at the World Education Forum held at Dakar, Senegal, in April 2000. The Dakar Framework for Action had reaffirmed the right to education as a basic right, and it was up to States to fulfil the commitment they had made at the World Forum by strengthening legal and political measures in order to ensure its full realization. UNESCO and the Committee would support the efforts of member States and the entire international community to that end. The crucial importance of such efforts had been expressed by the UNESCO High-level Group on Education for All at its October 2001 meeting.

25. In that regard, UNESCO welcomed its increasing collaboration with the Committee, exemplified by the decision to create a Joint Expert Group on the Right to Education. Implementation of the decision should enable all facets of implementing the right to education to be examined and ensure complementarity of efforts to that end.

26. At a previous session of the Committee he had mentioned the four pillars of education set out in the report of the International Commission on Education for the Twenty-First Century: learning to learn; learning to be; learning to act socially and exercise a professional activity; and learning to live together. The last-mentioned had been the focus of the work of the International Conference on Education at its forty-sixth session in September 2001. Who, then, could have imagined the terrorist attacks perpetrated in the United States of America only three days after the end of that session? That event seemed to lend added urgency to the need to learn to live together, as well as to the draft Declaration on Cultural Diversity recently adopted unanimously by the UNESCO General Conference. Articles 4 and 5 of the Declaration, referring respectively to the recognition of cultural diversity and to the importance of cultural rights as an integral part of human rights, bore a direct connection to the Committee's mandate. That Declaration, and the report published by UNESCO in 1996 as a result of the work of the World Commission on Culture and Development, were among the texts to which the Committee could refer in exercising its mandate pursuant to article 15 of the International Covenant on Economic, Social and Cultural Rights.

27. The tragic events of 11 September 2001 might possibly be viewed as a "blow to civilization", but they also highlighted, in UNESCO's view, the imperative need to uphold universal respect for the right to recognition of cultural identity as well as the importance of unconditional implementation of the Universal Declaration of Human Rights and the International Covenants. The recently adopted Declaration on Cultural Diversity should open up new perspectives in that regard, and the Committee might be interested to receive further information on it.

28. The CHAIRPERSON thanked the representative of UNESCO for the information provided. She suggested that, owing to lack of time, further details could be provided at a later meeting.

The meeting rose at 11.20 a.m.